

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOSEPH LAWRENCE CURRY,	:	
	:	
Plaintiff,	:	C.A. No. 04-175-KAJ
	:	
v.	:	
	:	
DOVER POLICE DEPARTMENT, and	:	
GREGORY HOPKINS,	:	
	:	
Defendants.	:	

CERTIFICATION

DANIEL A. GRIFFITH, ESQUIRE, of full age, according to law, upon his oath, hereby deposes and says:

1. I am an attorney at law in the State of Delaware and a Shareholder with the law firm of Marshall, Dennehey, Warner, Coleman and Goggin in Wilmington, Delaware. We represent defendant, Officer Gregory Hopkins, in the above-referenced matter.

2. By correspondence dated November 8, 2004, I provided to Mr. Curry, as part of the defense Rule 26 Disclosures, a copy of the entire file maintained by the City of Dover Police Department with respect to Mr. Curry's January 13, 2004 arrest which is the subject of this litigation.

3. During the October 31, 2005 Pretrial Conference, Mr. Curry requested (to my understanding for the first time) whether the Dover Police Department had any photographs of Mr. Curry taken following his arrest. I agreed, and the Court subsequently *Ordered*, that I would undertake to have a search conducted of the City of Dover Police Department's records to determine whether any such photographs were in existence.

4. Following the Pretrial Conference, I reviewed the volume of records comprising the City of Dover Police Department's file concerning Mr. Curry's January 13, 2004 arrest and found no photographs. Thereafter I contacted Lieutenant Counselman of the Dover Police Department's Internal Affairs Unit, our contact person at the Dover Police Department and requested that the Lieutenant undertake a similar search for any photographs of Mr. Curry maintained by the department.

5. Lieutenant Counselman personally conducted the search on November 2, 2005. While he found no photographs, he directed me to William Pepper, Esquire counsel for the City of Dover Police Department. I spoke with Mr. Pepper on November 3, 2005. Mr. Pepper undertook a search of his records for any photographs of Mr. Curry on that same date. He found a CD showing photographs of Mr. Curry following his arrest which I received today.

6. I am, on this date, forwarding all photographs to Mr. Curry, copies of which are attached to this Certification.

7. In addition, during the October 31, 2005 Pretrial Conference, the Court Ordered that the Dover Police Department provide Mr. Curry with its policy and procedures relating to use of force. By letter dated November 4, 2005, Mr. Curry was provided with the Dover Police Department's Policy and Procedures concerning the use of force.

I make this certification in compliance with the Court's Order during the October 31, 2005 Pretrial Conference.

I hereby certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: November 4, 2005

BY: /s/ Daniel A. Griffith

DANIEL A. GRIFFITH, ESQ.
(DE ID No. 4209)

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